

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

| | | |
|----------------------------|---|---------------------------|
| LOUIS A. VARGAS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-22-01032-PRW |
| |) | |
| OKLAHOMA DETENTION CENTER, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

ORDER


On March 20, 2025, United States Magistrate Judge Amanda L. Maxfield issued a Report and Recommendation (Dkt. 40) in this action, in which she recommends that the Court dismiss Plaintiff Louis A. Vargas’s case pursuant to Federal Rule of Civil Procedure 41(b). Judge Maxfield advised Vargas of his right to object to the Report and Recommendation by April 10, 2025, in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72, and that failure to make a timely objection would waive any right to appellate review of the factual and legal issues addressed in the Report and Recommendation.¹

¹ The record reflects that the Clerk’s mailing of a copy of the Report and Recommendation to Plaintiff was returned as undeliverable. *See* Dkt. 41. But it is Vargas’s obligation to provide written notice of a change of address. *See* LCvR5.4(a) (“Papers sent by the court will be deemed delivered if sent to the last known address given to the court.”); *see also Theede v. U.S. Dep’t of Labor*, 172 F.3d 1262, 1267–68 (10th Cir. 1999) (pro se plaintiff who failed to provide a change of address or address correction waived review by failing to make a timely objection).

To date, Vargas has filed no objections. He has therefore waived his right to appellate review of the factual and legal issues addressed in the Report and Recommendation.² In the absence of a timely objection, the Court reviews the Report and Recommendation to confirm that there is no plain error on the face of the record.³ Finding none, the Court agrees with Judge Maxfield's analysis and conclusions.

Upon review, the Court **ADOPTS** the Report and Recommendation (Dkt. 40) in full and **DISMISSES** the case **WITHOUT PREJUDICE**.

IT IS SO ORDERED this 14th day of July 2025.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE

² *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1059–60 (10th Cir. 1996).

³ *Summers v. State of Utah*, 927 F.2d 1165, 1167–68 (10th Cir. 1991) (“In the absence of timely objection, the district court may review a magistrate’s report under any standard it deems appropriate.”).